

P.O. Box 690, Jefferson City, Mo. 65102-0690

In the Matter of:

JOSEPH D. FROST

Respondent

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MDI Case No. 060522213C

**CONSENT ORDER LIMITING AND CONDITIONING BUSINESS UNDER  
LICENSE**

W. DALE FINKE, Director of the Missouri Department of Insurance, after reviewing the stipulations set forth herein, hereby issues the following findings of fact and conclusions of law, and order:

**Findings of Fact**

1. W. Dale Finke is the duly appointed Director of the Missouri Department of Insurance (hereinafter, "Director") whose duties, pursuant to Chapter 375, RSMo, include supervision, regulation, and discipline of insurance producers. Respondent Joseph D. Frost ("Frost") filed an application for an individual Missouri producer license on November 23, 2005, seeking licensure as an insurance producer.

3. The Division of Consumer Affairs has alleged that:

- A. On or about November 23, 2005, Frost submitted an application for an Individual Insurance Producer License in which he answered "yes" to the question, "Have you ever been convicted of, or are you currently charged with, committing a crime, whether adjudication was held?"
- B. Frost had been charged by the Prosecuting Attorney of St. Louis County, Missouri for Criminal Non-Support due to Frost's repeated failure to follow the lawful orders of the court, ordering him to pay child support.
- C. On April 10, 2006, Frost agreed to plead guilty to the charge of Criminal Non-Support in exchange for a Suspended Imposition of Sentence and five years probation with sentencing scheduled for July 27, 2006.

4. Frost and the Division of Consumer Affairs desire to settle the allegations and matters raised by the Division.

5. Frost and the Division of Consumer Affairs consent to the issuance of this order.

6. Frost, without any admission of a violation of the insurance laws of this state, waives the right to a hearing to contest any provision of this order and has stipulated and agreed to the issuance of this order without further proceedings in this matter, agreeing to be fully bound by the terms and conditions specified herein.

7. Frost has stipulated and agreed to waive any rights that he may have to seek judicial review or other challenge or contest to the terms and conditions of this order and forever releases and holds harmless the Department of Insurance, the Director and his agents from any and all liability and claims arising out of, pertaining to or relating to this matter.

8. The Director is authorized to enforce this order and should Frost fail to comply with the conditions set forth herein, the Director or his successors, without any limitation, may suspend, revoke, or refuse to renew Frost's producer license on the ground of his failure to comply with a lawful court order imposing child support obligations, or initiate any other action authorized by law to enforce this order.

#### **Conclusions of Law**

9. The Director may impose orders in the public interest under § 374.046 RSMo.

#### **ORDER**

IT IS NOW, THEREFORE, ORDERED that Joseph D. Frost shall receive his individual Missouri insurance producer license and is eligible to retain an active producer license in Missouri under the provisions of § 375.018, RSMo, subject to compliance with the following conditions:

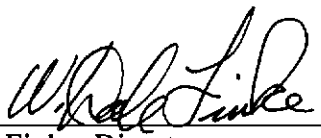
- A. Joseph D. Frost must comply with all conditions of his probation as ordered by the Circuit Court of St. Louis County regarding case No. 05CR-1648.

- B. Joseph D. Frost must submit on a monthly basis, to the Missouri Department of Insurance, proof of continued compliance with any financial obligations imposed as a condition of probation.
- C. Joseph D. Frost must submit to the Missouri Department of Insurance, no later than August 28, 2006, a copy, or reasonable facsimile thereof, the final adjudicated order of the court setting forth the terms and conditions of his probation.

IT IS FURTHER ORDERED, that Joseph D. Frost, in connection with the sale, solicitation, or negotiation of any annuity shall:

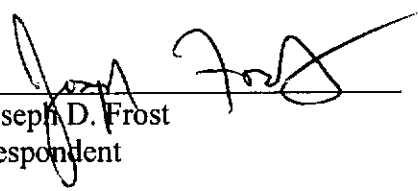
- A. In recommending to an individual customer the purchase, sale, or exchange of any annuity product have reasonable grounds for believing the recommendation is suitable for such customer, upon the basis of the facts, if any, disclosed by such customer, as to the customer's financial situation and needs.
- B. Prior to the execution of any annuity transaction, make reasonable efforts to obtain information concerning:
  - 1. The customer's financial status.
  - 2. The customer's insurance objectives.
  - 3. The customer's current and reasonably anticipated need for liquidity; and such other information used or considered to be reasonable by such producer in making recommendations to the customer.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 14<sup>th</sup>  
DAY OF AUGUST, 2006.

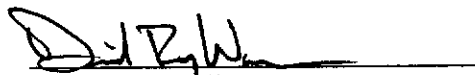
  
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W. Dale Finke, Director  
Department of Insurance

**CONSENT AND WAIVER OF HEARING**

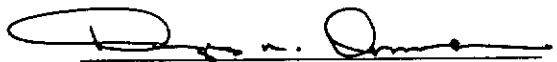
The undersigned persons understand and acknowledge the Respondent has the right to a hearing, but the Respondent has waived the hearing and consented to the issuance of this consent order.

  
Joseph D. Frost  
Respondent

7/10/06  
Date

  
David R. Wallis  
Law Clerk, Legal Section  
Department of Insurance  
301 West High Street, Room 530  
Jefferson City, MO 65101  
(573) 526-3495

06.26.06  
Date

  
Douglas M. Ommen  
Deputy Director and General Counsel  
Missouri Bar No. 35301  
Department of Insurance  
301 West High Street, Room 530  
Jefferson City, MO 65101  
(573) 751-1927

06.27.06  
Date

~~SEE Change to Finding of~~  
~~FACT 3(c)~~  
~~JD.7~~